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collective wrongdoing by cultured and courteous men. The case against American slavery is too strong to be moved by this kind of special pleading. The mere fact that it left to the world today a heritage of ignorance, crime, lynching, lawlessness and economic injustice, to be struggled with by this and succeeding generations, is a condemnation unanswered by Mr. Phillips and unanswerable.

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American Civil Church Law. By CARL ZOLLMANN. (Columbia University Studies in History, Economics and Public Law, LXXVII. New York: Longmans, Green and Company. 1917. Pp. 473.)

The fact that in the United States there is the most complete separation of church and state, that our governments—national, state, and local—not only do not exert any direct control over religious institutions but also are forbidden to subsidize or support them, may lead the layman to wonder how there could be any considerable body of jurisprudence which could properly be called American civil church law. Perhaps this is the reason why Mr. Zollmann's book is the first comprehensive treatment of the numerous and fascinating legal problems which have arisen in connection with the American church. It certainly fills an important gap in our legal literature.

In his preface Mr. Zollmann has indicated, with a precision which characterizes the book throughout, the field which he intends his study to occupy. "It deals with *American* law and not, except incidentally, with English statutes and cases. It is confined to *Civil* law applicable to churches as distinguished from any merely ecclesiastical rules of conduct. It is concerned with *Church* law in the sense that it sets forth the various matters as to which church and state come into contact. Last but not least, it seeks to state the *Law*, in its present condition and underlying reason, and is not content to be a mere digest of the reported cases."

The first of the seventeen chapters comprising the volume treats of religious liberty. It is shown that freedom of religion in this country cannot be used as a defense of criminal acts, that the law tacitly recognizes the Christian religion as the prevailing religion, that it fosters religion by incorporating churches, protecting their worship from disturbance, exempting their property from taxation, and compelling

people to desist from work on Sunday. The law has tried to be a friendly neutral but has not always managed to maintain strict neutrality.

Three chapters deal with the forms, nature, and powers of church corporations. These corporations range from the democratic form of corporation aggregate to the monarchical corporation sole, with the trustee corporation serving as a sort of compromise form between. These corporations are all merely business agents of the church, and the law has usually placed restrictions upon their power to acquire and dispose of real property and to make contracts. The chapters on church constitutions (Ch. v), schisms (Ch. vii), and church decisions (Ch. viii) deal with legal problems affecting the internal government and authority of American churches. The discussion of church decisions leads the author into a detailed examination and vigorous criticism of the decision of the United States Supreme Court in the case of *Watson v. Jones* (80 U. S. 679), to the effect that the decrees of church tribunals are conclusive even though such tribunals have actually exceeded their power, inasmuch as our doctrine of religious liberty precludes the review of such decisions by the courts.

The sixth chapter deals with the problem of implied trusts and sets forth the contradictory views of our courts on the question whether a general gift to a religious society creates an implied trust of a charitable nature. In Chapter ix, there is an extended discussion of tax exemptions enjoyed by religious organizations. The author concludes that these exemptions have persisted after the original reason for them has disappeared. He discusses the types of church property to which the exemptions may be applied. There is a valuable consideration of the offense of disturbance of religious meetings in Chapter x. There are chapters devoted to church contracts (Ch. xi), dedication and adverse possession (Ch. xiv), pew rights (Ch. xv), and church cemeteries (Ch. xvi); while the position, powers, duties, and liabilities of clergymen and church officers are set forth in Chapters xii and xiii, respectively. A final chapter discusses at length the character and legal effects of the peculiar trust deed under which property is commonly held by the Methodist Episcopal Church.

Mr. Zollmann has done something more than enumerate the decisions of American courts upon the many important problems he considers. Those decisions are analyzed, criticized and interpreted, and at the close of each chapter a brief summary states in concise form the important doctrines of law which have been enunciated and the author's

conclusions regarding them. The treatment throughout is marked by clarity and precision of expression and is nontechnical in spite of the technical character of many of the problems treated. An adequate index adds to the value of the book.

The author has succeeded in producing a volume which should prove of real value to the student of both private and public law as well as to the clergyman and the officer charged with administering the business interests of religious societies.

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The Law Relating to Trade with the Enemy together with a Consideration of the Civil Rights and Disabilities of Alien Enemies and of the Effect of War on Contracts with Alien Enemies. By CHARLES HENRY HUBERICH, J.U.D., D.C.L., LL.D., of the United States Supreme Court Bar. (New York: Baker, Voorhis and Company. 1918. Pp. xxxii, 485.)

This is a book of the type much needed at the present time. Though primarily intended for jurists and attorneys, it will also prove highly useful to students of international law and the great war. The work is primarily a commentary on the trading with the enemy act, passed by Congress on October 6, 1917, but it also includes a consideration of the law relating to the rights and disabilities of alien enemies, as also of the effect of war on contracts.

In the "Introduction" the author contrasts the two opposing theories (Anglo-Saxon and Continental) as to the effect of war on the private citizens of an enemy state, outlines the views of jurists on the legality of trading with the enemy, and reviews the legislation of the leading belligerents.

In the midst of a war characterized chiefly by German brutality and excesses, it is a relief to learn that Germany forms an exception to the general prohibition of trading with the enemy and that "contracts not involving the transmission of moneys or securities during the war are valid. Furthermore, alien enemies are not under special disabilities as parties to judicial proceedings. The law accords them a *locus standi in judicio* both as plaintiffs and defendants in the ordinary courts as well as in the prize courts, and this regardless of their place of domicile or residence" (p. 15).